IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.3702 OF 2004

Kamalbai Vishnu Davkhar ... Applicant

V/s.

State of Maharashtra ... Respondent

Mr.R.P. Mohite for Applicant
Mr.B.H. Mehta, APP, for Respondent

CORAM: **A.M. KHANWILKAR, J.**

DATED: **SEPTEMBER 7, 2004**

P.C.:

. Heard Counsel for the parties. The main reason why bail has been resisted in so far as the present applicant is concerned, although the other accused have already been released on bail, is that, the applicant was holding a stick by which he had assaulted the victim. Reliance is placed on the medical opinion that the 4th, 5th and 6th ribs of the deceased were fractured. However, there is no clear evidence that the fracture was caused on account of the blow given by the applicant by stick. The prosecution case is that other accused have assaulted the deceased by fists and kick blows. Taking an overall view of the matter and having regard to the fact that the investigation is complete and chargesheet has been filed and that the other accused have already been released on bail coupled with

the conduct of the applicant immediately after the incident, to my mind, the applicant deserves to be released on bail on the following conditions:

i) The applicant is released on bail in relation to the offence being C.R. No.60 of 2004 registered with Narayangaon Police Station, Pune on executing a personal bond and furnishing two sureties in the amount of Rs.10,000/- each during the pendency of the trial.

ii) Besides, the applicant shall not enter within the jurisdiction of Narayangaon Police Station for a period of four months from today and shall report to Manchar Police Station once in a fortnight on Saturday between 11 am and 4 pm.

iii) The applicant shall not influence any prosecution witness in any manner or attempt to tamper with the prosecution evidence during the pendency of the trial.

iv) The applicant shall extend full cooperation for early disposal of the trial.

3. Application is allowed on the above conditions.